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THE GLOBAL ENVIRONMENT (LAW 259S)

Volume 3

Professor Craig Scott

Winter/Spring 1991

Faculty of Law,
University of Toronto

This volume is not to be considered as published. It is solely for the educational use of students of the Faculty of Law, University of Toronto, and of students at other universities to whom these materials may be distributed.

Some materials in this volume are retained from the 1990 materials for this course which were compiled with the research assistance of Julia McNally.

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THE GLOBAL ENVIRONMENT

READING LIST: PART 3 (Seminars 9-12)

9. DEFORESTATION, NON-STATE ACTORS AND HUMAN RIGHTS

General

Group of Experts of the WCED, supra., Commentary on Article 1, "Fundamental human right" 1

Hague Declaration on the Environment, March 11, 1989 (1989) 19/5 EPL 78 4

L.K. Caldwell, "Beyond environmental diplomacy: the changing institutional structure of international co-operation" in Carroll, ed., International Environmental Diplomacy (Cambridge: Cambridge Univ. Press, 1988) 6

Durning, "Mobilizing at the Grassroots" in L. Brown et al., State of the World 1989, supra 10

Aboriginal Rights, Deforestation and Ecuador

R. Repetto, The Forest for the Trees? Government Polices and the Management of Forest Resources (World Resources Institute, 1988), "The Reasons for Deforestation in Tropical Countries", pp.12-17 20

R. Winterbottom, Taking Stock: The Tropical Forest Action Plan (TFAP) After Five Years (World Resources Institute, June 1990), "History of the Development of the TFAP", "Underlying Causes of Tropical Deforestation", and "Confronting the Cycle of Destruction: the TFAP for Ecuador" 24

J.F. Hicks with the collaboration of H.E. Daly, S. Davis and M. de Lourdes de Freitas, Ecuador's Amazon Region: Development Issues and Options, World Bank Discussion Paper #75 (The World bank: Washington, D.C., 1990) 29

Confederacion de Nacionalidades Indigenas de la Amazonia Ecuatoriana (Confeniae), Petition to the Inter-American Commission on Human Rights, The Huaorani People v Ecuador, June 1, 1990 (The Sierra Club Legal Defence Club, Of Counsel) 50

Probe International, Letter re. Petro-Canada's Role in Ecuador, November 1989 69

National and International Development Agencies

The World Bank

B. Rich, "The Emperor's New Clothes: The World Bank and Environmental Reform" (Spring 1990) World Policy Journal 305 71

B.Rich, "Greenspeak" in (December 1990) 214 The New Internationalist 12-14 84

Martens, "Ending Tropical Deforestation: What is the Proper Role for the World Bank?" (1989) 13 Harv Env Law Rev 485 @ 505-515 87

W. Ellwood, "Pinstripes and Poverty: Inside the World Bank" in (December 1990) 214 The New Internationalist 4-6 94

Probe International, "Environmentalists, Fed Up With World Bank Rhetoric, Demand Promises Be Honoured" (Nov. 1990) Probe Alert 97

CIDA

CIDA, "CIDA's new environmental policy" in Schneider, ed., Deforestation and Development in Canada and the Tropics (1989) @ 239-240 98

Hanson and Wood, "CIDA's Past Record in Forestry" in Schneider, supra @ 242-3 100

Ferretti, Muldoon and Valiante, "CIDA's new environmental strategy" in Schneider, supra, @244-249 102

Litigating Environmental Effects of Aid Policy in the United States

Sierra Club v Colemen, 421 F.Supp. 63 (1976) (United States District Court, District of Colombia) 108

Sierra Club v Adams 578 F.2d. 389 (1978) (United States Court of Appeals, District of Colombia Circuit) 114

Brazil

Amazon Maps from S.Hecht and A. Cockburn, The Fate of the Forest: Developers, Destroyers and Defenders of the Amazon (Penguin Books, 1989-90) 126, 146 and 159 123

"The Ecology of Justice" in S.Hecht and A. Cockburn, ibid, @ 217 124

Forest Peoples' Manifesto in S.Hecht and A. Cockburn, ibid, @ 261 136

"Seven Beliefs, True and False, about the Amazon" in S.Hecht and A. Cockburn, ibid, @ 266 139

J. Lutzenberger, "Brazil's Amazonian Alliance" in Schneider, supra, @216 141

A. Dwyer, "Rubber tappers Fight for Tropical Forest" in Schneider, ed. Deforestation and 'Development' in Canada and the Tropics (1989), plus "Note on Chico Mendes' Death" 142

J. Lutzenberger, "The World Bank's Polonoreste Project" in Schneider, supra, @29 143

P.Knox, "Brazil provides tips on global ecology" Globe and Mail, August 27, 1990 146

Sarawak and Deforestation [Guest Speaker: Kerry Buck]

Sahabat Alam Malaysia (Friends of the Earth, Malaysia), Solving Sarawak's Forest and Native Problem (1990) including copy of First Revised Text of the Draft Universal Declaration on Rights of Indigenous Peoples (pp.37-43 in original) 147

"Natives bring timber companies and Sarawak govt to court" and "The Natives' Case" (Mid-April 1990) Utusan Konsumer 6 167

Friends of the Earth, The Tropical Timber Trade: Towards Sustainability, Position Paper on the International tropical Timber Organization (ITTO) (June 1988) 168

T. Alpin, "Environmentalists Criticise International Timber Organisation's Report" (June 1990, Third World Network Features) ITTO stuff 178

10. ECOSYSTEM CRISIS: HUMAN POPULATION GROWTH AND LOSS OF NON-HUMAN SPECIES

Species Loss and Biodiversity

E.O. Wilson, "Threats to Biodiversity" (1989) 261(3) Scientific American 108 183

Convention on the International Trade in Endangered Species of Wild Fauna and Flora, 1973 (Washington), 12 ILM 1085 189

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P. Sands and A. Bedecarre, "Convention on International Trade in Endangered Species: The Role of Public Interest Non-Governmental Organizations in Ensuring the Effective enforcement of the Ivory Trade Ban" (1990) 17 Environmental Affairs 799 197

Glennon, "Has International Law Failed the Elephant?" (1990) 84 AJIL 1, 17-43 209

"CITES: Compromise on Ivory" (1989) 19/6 EPL 215 223

J.Z.Z. Matowaniyika, "Cast Out of Eden: Peasants versus Wildlife Policy in Savanna Africa" (1989) 16(1) Alternatives 30-39 225

Concern with Population Growth

N. Kayfitz, "The Growing Human Population" (1989) 261(3) Scientific American 118 231

G.Wirick, "World Population: Continuing Challenges" (North-South Institute Briefing Paper, 1985) 234

I.L. Head, "South-North Dangers" , (1989) Foreign Affairs 71 245

Lipton, New Strategies and Successful Examples for Sustainable Development in he Third World, Presentation to Joint Economic Committee of the U.S. Congress, Subcommittee on Technology and National Security (June 20, 1989) 253

11. INTERNATIONAL ECONOMIC RELATIONS AND STRUCTURES

The Structure of the International Economic System

Singer and Ansari, "The International Economy", ch.3 in Rich and Poor Countries: Consequences of International Disorder, 4th Edition (London: Unwin Hyman, 1988) 19-33 263

A. Durning, "Ending Poverty" in L.Brown et al, State of the World 1990 New York: W.W. Norton, 1990) 271

Schatan, "In Search of a new Path", ch.5 in World Debt: Who Is To Pay? (London: Zed Books, 1987) 94-119, esp. 94-100, 113-120 281

Shiva, "Terra Mater: Reclaiming the Feminine Principle" in Staying Alive: Women, Ecology and Development, 218-224 295

Some Environmental Economics Debates: Growth, Trade and Rational Preferences

Mainstream Thinking

C.Morrison, "More Trade, Less Poverty" (Feb-March 1990) 162 The OECD Observer 4 299

J.-P. Barde, "The Path to Sustainable Development" (June-July 1990) 164 The OECD Observer 33 301

Critiques

H. E. Daly, "Steady-State and Growth Concepts for the Next Century", F. Archibugi and P. Nijkamp, ed., Economics and Ecology: Towards Sustainable Development (Dordrecht, Neth.: Kluwer, 1989) 73-86 306

M. Sagoff, "Some Problems With Environmental Economics" (1988) 10 Environmental Ethics 55 @ 55-56, 62, 68-74 314

Debt-for Nature Swaps

Simons, "Putting Debt to Productive Use" in Schneider, ed., Deforestation and Development in Canada and the Tropics 319

W. Schwarz, "Stirrings of Hope in the Forest", (April 2, 1989) Manchester Guardian Weekly 11 321

A Clash of Perceptions

McInnes, "Worlds apart over the environment" (June 6, 1990) Globe and Mail D8 323

G15 Leaders' Joint Communique, June 1990, (1990) 20/6 EPL 235 235

International Trade Paradigms and the Environment

The European Experience

Lomas, "Environmental Protection, Economic Conflict and the European Community" (1988) 33 McGill Law Jl. 506 327

The International Trading System and the GATT

C.F.Runge, "Trade Protectionism and Environmental Regulations: The Nontariff Barriers" (1990) 11 N.W.Jl. of Int'l Law and Bus. 47 342

Koh, "The Law of International Trade" in "The Responsibility of the Importer State" in G.Handl and R.Lutz, Transferring Hazardous Technologies and Substances (Dordrecht: Martinus Nijhoff, 1989) 357

S.Shrybman, "International Trade and the Environment: An Environmental Assessment of Present GATT Negotiations" (1990) 17(2) Alternatives 20 364

S.Shrybman, "GATT: Why Wasn't Environmental Protection on the Table?" (Nov/Dec 1990) 15(6) Newsletter of CELA 2 374

Food Systems

L. Brown, "A World At Risk - Loss of Food Security" and "Outlining a Global Action Plan - Meeting Future Food Needs", State of the World 1989, 12-16, 184-188 376

B. Carty, "You can't eat flowers" in (December 1990) 214 The New Internationalist 18-19 381

Redclift, Sustainable Development: Exploring the Contradictions, 80-102 383

J.W. Mellor, "Sustainable agriculture in developing countries" (1988) 30(9) Environment 8 397

A. Sen, "Food Entitlements and Economic Chains" in Lemay,ed., Science, Ethics and Food (Washington, DC: Smithsonian Institute Press, 1988) 58-76 402

12. CLIMATE CHANGE AND BRAZIL 1992

Overview of the Problem

C. Flavin, "Slowing Global Warming" in Brown et al., State of the World 1990 409

Getting to Yes on a Global Climate Change Convention

J.MacNeill, "The Warning of Global Warming" (November 1990) Policy Options 3 421

A. Borg Olivier, "Legal Considerations Relating to the Negotiation and Implementation of an International Framework Convention on the Protection of Global Climate for Present and future Generations" in CCIL, Preserving the Global Environment @ 58 424

A. Umana Quesada, "Greenhouse Economics: Global Resources and the Political Economy of Climate Change" (1989) 19(5) EPL 154 430

The Interests and Perspectives of the Developing World

Commonwealth Group of Experts, Climate Change: Meeting the Challenge (September 1989) [The Holdgate Report], extracts 434

Male Declaration, Small States Conference on Sea Level Rise, Male, November 14-18, 1989 (1990) 20/1-2 EPL 58 452

The Cairo Compact, The World Conference on Preparing for Climate Change, December 17-21, 1989 (1990) 20/1-2 EPL 59 453

Recommendations, International Conference on Global Warming and Climate Change: African Perspectives" (1990) 20/6 EPL 234 455

Proposals for Global Climate Change Conventions

Proposed Climate Change Convention, Proposal emanating from the International Meting of Legal and Policy Experts on Protection of the Atmosphere, Feb.20-22, 1989, Ottawa 455

Noordwijk Declaration on Atmospheric Pollution and Climatic Change, Ministerial Conference on Atmospheric Pollution and Climatic Change, Nov. 7-9, 1989 (1989) 19/6 EPL 229 461

WMO/UNEP Intergovernmental Panel on Climate Change (IPCC), IPCC First Assessment Report (August 1990) and Formulation of Response Strategies (June 1990):

(i) PART I - Overview of the Work of the Three Working Groups ([1] science; [2] impacts; [3] response strategies) 464

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Second World Climate Conference (SWCC), Oct./Nov., 1990

"SWCC: No Agreement on CO2 Reduction targets" (1990) 20/6 EPL 196 503

SWCC, Ministerial Declaration (1990) 20/6 EPL 220 507

SWCC, Conference Statement (1990) 20/6 EPL 226 509

SWCC, Consultation Group on Special Needs of Developing Countries, "Summary of Discussion Paper" (1990) 20/6 EPL 230 513

13. CLIMATE CHANGE

Video: "After the Warming"